

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, October 26, 1999
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Mayor Knight.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of October 19, 1999, were approved 7 to 0.

AWARDS AND PRESENTATIONS

STUDENT RECOGNITION International Students were recognized.

PROCLAMATIONS Mayor Knight presented the Proclamations that were previously approved.

UNFINISHED BUSINESS

Z-3334 & DP-132 Z-3334 - ZONE CHANGE FROM "B" MULTI-FAMILY TO "GC" GENERAL COMMERCIAL; AND DP-132 - NUMBER ONE AMENDMENT TO THE VIA CHRISTI - ST. FRANCIS REGIONAL MEDICAL CENTER C.U.P. LOCATED ON THE NORTHEAST CORNER OF MURDOCK AND TOPEKA.
(District VI) (Continued from October 19, 1999)

Motion -- carried Knight moved that the Item be deferred one week. Motion carried 7 to 0.

EMP. PENSION EMPLOYEE PENSION ENHANCEMENTS.
(Continued from October 19, 1999)

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Cole Council Member Cole said the recommendation is an easy choice for City Council members with limited information regarding pensions. If there is a disaster, it will be in the future and a problem for future City Council members to solve. Most private employers are moving away from the kind of benefits being considered today.

In the not-too-distant past, the City Council had to provide funds because a pension plan was not covered.

The most expensive enhancements are the increase in benefits from 50 to 75 percent and the Police & Fire DROP provision

Council Member Cole suggested the City investigate moving in the direction of a 401K plan.

Mayor Knight Mayor Knight stated that, in 1980, a task force on cost effective government looked at all government operations with an intensive focus on finance. The result was modification of the retirement systems.

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Ray Trail

Director of Finance explained that the private sector primarily uses defined contribution plans. If the markets out perform, the employee benefits. If the markets under perform, the employee receives less benefit.

Public pensions generally use defined benefit programs. Benefits to employees are generally based on final average salary times a percentage for years of service. The pension is strictly related to the final average salary. Wichita is one of a few that also provides a defined contribution plan for employees. The Police and Fire Retirement employees are not as interested in a defined contribution plan. The Police and Fire employees are not covered by Social Security and need a more stable pension plan.

The change recommended by Council Member Cole would retire a Council shift in philosophy and concept. There is a desire to continue exploring options for Police and Fire.

The Retirement Boards went the extra mile to determine the actuarial basis. Previous failure had to do with a flawed actuarial analysis.

The employees concerns for those that were caught in between have been addressed.

Council Member Martz

Council Member Martz said the retirement plans are currently over funded at a 7 ¾ percentage which is fairly conservative.

The 50 percent change to a 75 percent maximum is closer in line with other industries.

Motion – carried

Knight moved that the Ordinances be adopted. Motion carried 7 to 0.

CHARTER ORDINANCE NO. 180

A Charter Ordinance of the City of Wichita, Kansas, amending Charter Ordinance No. 161 and providing additional provisions all related to the Police and Fire Retirement System of the City of Wichita and repealing the originals of those amended sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-368

An Ordinance amending Sections 2.28.005, 2.28.010, 2.28.080, 2.28.085, 2.28.110, 2.28.130, 2.28.140, 2.28.150, 2.28.160, 2.28.200, 2.28.240, 2.28.260, 2.28.270, 2.28.300, 2.28.330, 2.28.340, 2.28.350, 2.28.360, 2.28.500, 2.28.520, 2.28.530, 2.28.560, 2.28.570, 2.28.580, 2.28.590, 2.28.600, 2.28.610, and creating Sections 2.28.086, 2.28.135, 2.28.190, 2.28.335, 2.28.245, 2.28.275, 2.28.335, and 2.28.585 of the Code of the City of Wichita, Kansas, pertaining to the elimination of outdated Ordinance language, incorporation of revisions to employee benefits, all relating to the City of Wichita's Employees' Retirement System, and repealing the originals of said sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

NEW BUSINESS

2000 CITY LEGIS.

2000 CITY OF WICHITA LEGISLATIVE PROGRAM.

Motion -- carried

Knight moved that the Item be deferred one week. Motion carried 7 to 0.

ARTS & CRAFTS CENT.

ARTS AND CRAFTS CENTER LEASE AGREEMENT.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-1063.

In February 1999, the City Council approved a lease with the SER organization to utilize the city-owned building at 2601 North Arkansas Street. In March 1999, the City Council was requested to modify the lease which waived the rental fees pending occupancy, along with extending the term of the initial lease from three to five years. The SER Corporation, on behalf of other tenant agencies, proposed to lease the building for its main offices, in

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collaboration with other agencies for the Hispanic Community Center Initiative. Nothing has been done at this building since the February approval date.

In their proposal to use this facility, the SER Corporation was to partner with other agencies to provide the following services: 1) SER Corporation, job training and preparation; 2) Wichita A.C.T.'S on Truancy Project, truancy counseling to youth and families; 3) Child Care Association for Head Start classroom for bilingual children; 4) Hispanic Tutoring Program, tutoring assistance; 5) Quivira Council--Boy Scouts of America, for outreach, recruitment and meeting space; and 6) Hispanic Family and Pregnancy Crisis Center, assistance for families and teens.

The City agreed to maintain the facility until occupancy, including routine expenses (i.e. utilities, cleaning, grass mowing, vandalism repairs, etc.).

The Arts and Crafts facility has approximately 14,000 square feet. Recently, the SER Corporation informed the City that in order to provide the services originally intended, additional space would be required (estimated to be approximately 22,000 square feet). To accommodate the proposed usage and space needs, the SER corporation is requesting the City to allow the demolition of the Arts and Craft building and permit a new structure to be constructed. On the site. As an alternate proposal, the SER groups would request that the lease term be extended to ten (10) years, or donate the building to the Hispanic/Native American Coalition and SER corporation.

The Arts and Craft building is located on city-owned property referred to as the Evergreen Park area. As such, any disposal would require approval of the Park board. Even though the building is in need of some repairs and modernization, it occupies an excellent geographical location to serve the area neighborhoods and should be retained as a public-owned asset and not released. Demolition of this structure is not felt to be justified because of the value still remaining in the building and the multiple uses that could be accommodated at this building without expansion.

If additional space is required as SER represents and it is the Hispanic/Native American Coalition and SER corporation's intent to conduct a capital campaign to secure funding to construct such a new facility, it would seem to be in their interest to seek another site, construct their new building and terminate the lease on the Arts and Crafts facility to accommodate other area needs of the community.

Utilized for Building: When this building was made available, a Request for Proposals was solicited from area groups.

The RFP outlined the intended usage of this building "this facility will be targeted primarily for Hispanic community uage. One of the primary considerations will be the maximum benefit to the entire Hispanic community as opposed to restricted use by one agency. The successful propoer must provide evidence they have the financial resources, experience and community support to provide the proposed services/program(s), and will not require City involvement or subsidy. The operation of the Centre must be carried out in a manner that reasonably protects the public investment and expectations of the City."

There was no provision in the RFP to offer alternatives or conveyance of disposal of the property since it was never the intention of the Park Board to sell this property. The term of the lease was established at not more than five years, but with an option to renew under given conditions.

Inasmuch as this building has been idle since February, the Council has the option to terminate the lease or approve, with consent of the Park Board, other options, including:

- (1) Continue with current lease terms/conditions, as originally proposed and accepted.
- (2) Consider extending the lease under various covenants (see below 1) that would include the redevelopment, as proposed.
- (3) Reopen the availability and solicit desired uses from interested groups for use of the facility in an as-is condition.

1 - Covenants would include, but not limited to: development of plans and specifications for City review and approval by specified date; Initiation of construction/rehabilitation by specified date; complete and occupy building within given date; implement governing structure prior to construction; implement programming within specified date. If any of the "milestones" are not met, upon notification of failure to meet, covenants, the City would immediately termine the lease.

The City has not yet received any rental payments under the lease since no occupancy has occurred; however, operational costs are still being borne by the City. The City Council has allocated \$75,000 to make basic repairs

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that would permit this building to be used; however, these improvements have not yet been contracted pending the finalization of plans by SER.

Any proposal to change the use, convey or sell this property would require concurrence of the Park Board.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Richard Lopez

Richard Lopez, SER Corporation, said the building is 40 years old and Mr. Cornejo has indicated it would be less expensive to build a new structure than to make renovations and add an addition to the building. Mr. Lopez asked that the Council consider donating the structure or extending the lease so funds can be obtained for renovations.

Mayor Knight

Mayor Knight said the facility is much newer than many schools and has 40 to 50 more years of life. The building is publicly owned and publicly used. There is no way Mayor Knight would support razing the building.

Council Member Cole

Council Member Cole said there was excitement with the SER plan and said the start should be small and then see whether the space could be filled.

There are other organizations, that focus on kids, interested in being in the building. These organizations would go well with the services being talked about.

Mayor Knight

Mayor Knight said the City wants to be responsive to the leasing requirements. Perhaps a long-term lease could be provided with provisions that, if expectations are not met, the lease could be terminated.

Motion --

-- carried

Knight moved that the City Manager be asked to meet with SER, the Native American Coalition, and others to help structure a lease to meet their needs; and the question of demolition not be considered. Motion carried 7 to 0.

HUD CONSOL. PLAN

HUD CONSOLIDATED PLAN - ESTABLISHMENT OF PRIORITY NEEDS.

Tom Smith

Grants In Aid Coordinator reviewed the Item.

Agenda Report No. 99-1064.

Annually, the City submits a HUD Consolidated Plan/Combined Application for Community Development Block Grant (CDBG), HOME Investment Partnership program and Emergency Shelter Grant (ESG) funds. As a part of the submission of the HUD Consolidated Plan, the City is required to prepare a new Five-Year Strategic Plan covering the period July 1, 2000 through June 30, 2004.

One of the requirements for the new Five Year Strategic Plan is the identification of priority needs which will assist in allocating federal, state and local resources to principally benefit low and moderate income persons. The priority needs can be changed annually, if desired. However, during the last five year plan (1995-99), the City elected to establish priority needs and operate the plan without modification of the priority needs.

A preliminary list of needs for the 2000-2004 period have been developed. The needs were compiled from City Council goals, the Wichita-Sedgwick County Comprehensive Plan, Long Range Planning Task Force, Neighborhood Revitalization Plan and neighborhood plans. All of these plans had substantial public participation and comment during their development. The list of needs was sent to over 300 local agencies and to interested citizens and community groups for public review and comment. The Citizen Participation Organization and the Human Services Board were also requested to independently rank the preliminary needs.

The City Council has the option of accepting the list of preliminary needs with priorities provided by the public, re-ordering the priorities, or identifying other needs with appropriate designations (High, Medium, Low or No Such Need).

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Priority Needs: The needs presented are community-wide needs which would require all available resources including public, private and federal grant funds to address. If the City Council elects to rank a community need as a high priority, it is anticipated the City would invest resources to address the priority need.

Approximately \$5.4 in Consolidated Plan grant funding is estimated to be available to the City next year. This is comprised of approximately \$3.7 million for Community Development Block Grant, \$1.6 million in HOME funds and \$133,000 in Emergency Shelter Grant funds. Actual grant amounts are subject to annual Congressional appropriations.

The Consolidated Plan requires designating the relative priority of housing, community development and homeless needs as "High, Medium, Low or No Such Need". HUD defines these terms as follows:

1. (H) High Priority: Activities to address this need will be funded by the City during the five year period.
2. (M) Medium Priority: Activities to address this need may be funded by the City during the five-year period if funds are available.
3. (L) Low Priority: The City will not fund activities to address this need during the five-year period.
4. (N) No Such Need There is no need, or it has been addressed.

A public hearing is required by HUD to obtain public comment on housing and community development needs for the Consolidated Plan.

Mayor Knight	Mayor Knight inquired whether anyone wished to be heard and no one appeared.
Council Member Cole	Council Member Cole said she would like a one-week deferral to give Council Members an opportunity to add input. The blighted program is listed high but specific areas are way down on the list. City Council Members know the programs that would fit with over-all needs.
Mayor Knight	Mayor Knight said the priority needs list is consistent with priorities heard by the Council.
Council Member Rogers	Council Member Rogers said the priority list is consistent with the needs in the community.
Council Member Cole	Council Member Cole asked whether, if Council Members feel strongly about it, funding would be considered later for items listed on the bottom.
Mayor Knight	Mayor Knight responded that funding is always in flux. This is 90 percent consistent with what has been discussed.
Motion -- carried	Knight moved that the public hearing be closed and the priority needs be established. Motion carried 7 to 0.

(Item No. 6)

WATER AND SEWER ASSESSMENTS

PUBLIC HEARINGS ON PROPOSED ASSESSMENTS FOR TWENTY-NINE (29) WATER AND TWENTY (20) SEWER PROJECTS.

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-1065.

The Council was notified on September 21, 1999 that the proposed assessment rolls were on file for public inspection in the Special Assessments Section of the City Clerk's office.

Notice of hearing was published October 1, 1999, ten days prior to the date of hearing, and affected property owners have been notified in writing. City personnel held an informal hearing October 11, 1999, for the water and sewer projects.

Statements of Special Assessment will be mailed to the property owners on November 5, 1999. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the February 2000 of Bond Sale No. 758 and put on the year 2000 tax roll over a 15-year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions with the exception of:

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Water Projects:

448-88126	52%	Lamplighter Mobile Home Park
448-89254	59%	Replat of Interurban Place
448-89255	56%	Riverside Acres, J.B.Mueller & Ark Valley Park Additions
448-89371	50%	Southwest Industrial Park

WATER PROJECTS:

- a. (470-502/734244/448-88126) - Construction of Water Distribution System No. 448-88126 to serve Lamplighter Mobile Home Park Addition - north of MacArthur, east of Hydraulic, as authorized by the Resolution adopted June 24, 1986, and published June 27, 1986. Petition for this improvement was signed by owners representing 52 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$71,420.00 is to be apportioned \$52,850.80 (74 percent) to the improvement district and \$18,569.20 (26 percent) payable with Water Utility Improvement Funds. The cost has been assessed on a square foot basis.
- b. 70-583/734913/448-88707) - Construction of Water Distribution System No. 448-88707 to serve Forest Lakes Addition - north of 29th Street North, west of Ridge Road, as authorized by Resolution No. R-93-135 adopted April 6, 1993, and published April 9, 1993. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$17,883.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- c. 70-558/734806/448-88785) - Construction of Water Distribution System No. 448-88785 to serve Pembroke Second Addition- north of 25th Street , east of Oliver., as authorized by Resolution No. R-94-019 adopted January 11, 1994, and published January 14, 1994. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$81,130.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- d. (470-559/734814/448-89029) - Construction of Water Distribution System No. 448-89029 to serve Pembroke Second Addition - east of Oliver, south of 29th Street North, as authorized by Resolution No. R-96-150 adopted April 23, 1996, and published April 26, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$31,935.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- e. (470-556/734780/448-89065) - Construction of Water Distribution System No. 448-89065 to serve Aberdeen Second Addition - north of 21st Street, east of 119th Street West, as authorized by Resolution No. R-96-399 adopted October 29, 1996, published November 1, 1996; and rescinded by Resolution No. R-98-509 adopted December 8, 1998, and published December 11, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$137,265.00 is to be apportioned \$118,047.90 (86 percent) to the improvement district, and \$19,217.10 (14 percent) payable with Water Utility Improvement Funds. The cost has been assessed on a fractional basis.
- f. (470-521/734434/448-89113) - Construction of Water Works System No. 448-89113 to serve Brentwood Village Addition - south of Harry, East of Webb, as authorized by Resolution No. R-97-038 adopted February 25, 1997, published February 28, 1997; and rescinded by Resolution No. R-98-104 adopted April 7, 1998, and published April 10, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$40,650.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- g. (470-571/734901/448-89229) - Construction of Water Distribution System No. 448-89229 to serve Lark Sixth Addition - south of Kellogg, east of 119th Street West, as authorized by Resolution No. R-97-445 adopted December 9, 1997, and published December 12, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$62,627.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- h. (470-548/734707/448-89231) - Construction of Water Distribution System No. 448-89231 to serve Stonebriar Addition - west of Meridian, south of 47th Street South, as authorized by Resolution No. R-98-098 adopted April 7, 1998, and published April 10, 1998. Petition for this improvement was signed by owners

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representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$39,367.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

i. (470-532/734541/448-89234) - Construction of Water Distribution System No. 448-89234 to serve Auburn Hills Fifth Addition - north of Kellogg, east of 151st Street West, as authorized by Resolution No. R-98-036 adopted February 10, 1998, and published February 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$181,993.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

j. (470-528/734509/448-89238) - Construction of Water Distribution System No. 448-89238 to serve Reece Farms Estates Addition - south of Maple, west of 151st Street West as authorized by Resolution No. R-98-119 adopted April 14, 1998, and published April 17, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$93,210.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

k. (470-523/734459/448-89251) - Construction of Water Distribution System No. 448-89251 to serve Junction Town Co. Addition - north of First Street, west of Seneca, as authorized by Resolution No. R-98-112 adopted April 7, 1998, and published April 10, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$3,354.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

l. (470-525/734475/448-89254) - Construction of Water Distribution System No. 448-89254 to serve replats of Interurban Place Additions - south of 53rd Street, north to North of 55th Street North, East of Seneca, as authorized by Resolution No. R-98-117 adopted April 14, 1998, and published April 17, 1998. Petition for this improvement was signed by owners representing 59 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$161,060.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

m. (470-524/734467/448-89255) - Construction of Water Distribution System No. 448-89255 to serve Riverside Acres, J. B. Muller, Ark Valley Park, Suburban Acres, Jesse E. Edwards, Kopplin Additions and Unplatted Tracts - east of Arkansas Avenue, north of 37th Street North, as authorized by Resolution No. R-98-118 adopted April 14, 1998, published April 17, 1998; and rescinded by Resolution No. R-99-292 adopted August 3, 1999, and published August 6, 1999. Petition for this improvement was signed by owners representing 56 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$263,233.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.

n. (470-572/734902/448-89257) - Construction of Water Distribution System No. 448-89257 to serve Prairie Woods Second Addition - north of Pawnee, west of Maize, as authorized by Resolution No. R-98-135 adopted April 14, 1998, and published April 17, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$51,010.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

o. (470-541/734632/448-89269) - Construction of Water Distribution System No. 448-89269 to serve Arbor Lakes Estates Addition - south of Harry, west of 159th Street East, as authorized by Resolution No. R-98-222 adopted June 2, 1998, and published June 5, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$80,500.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

p. (470-537/734590/448-89270) - Construction of Water Distribution System No. 448-89270, to serve Tara Falls Addition - south of Harry, west of 127th East, as authorized by Resolution No. R-98-213 adopted May 19, 1998, and published May 22, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$100,380.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

q. (470-547/734699/448-89279) - Construction of Water Distribution System No. 448-89278 to serve Buckhead Third Addition - north of Central, west of 119th Street West, as authorized by Resolution No. R-98-250

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adopted June 16, 1998, and published June 19, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$60,446.00 is to be apportioned \$57,478.10 (95.09%) to the improvement district, with \$2,967.90 (4.91%) payable with Water Utility Improvement Funds. The cost has been assessed on a fractional basis.

r. (470-540/734624/448-89281) - Construction of Water Distribution System No. 448-89281 to serve Clark Estates Addition - south of Central, east of 143rd Street east, as authorized by Resolution No. R-98-238 adopted June 9, 1998, and published June 12, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$38,507.00 is to be apportioned \$3,465.63 (9 percent) to the improvement district, and \$35,041.37 (91 percent) payable by utilizing Water Utility Improvement Funds. The cost has been assessed on a fractional basis.

s. (470-538/734608/448-89289) - Construction of Water Distribution System No. 448-89289 to serve The Estates at Shadybrook Addition - south of Central, East of 143rd Street East, as authorized by Resolution No. R-98-259 adopted June 23, 1998, published June 26, 1998; and rescinded by R-98-382 adopted August 25, 1998, and published August 28, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$24,163.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

t. (470-555/734772/448-89301) - Construction of Water Distribution System No. 448-89301 to serve Custer Addition - south of Pawnee, west of Meridian, as authorized by Resolution No. R-98-357 adopted August 18, 1998, and published August 21, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$79,589.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

u. (470-570/734900/448-89302) - Construction of Water Distribution System No. 448-89302 to serve Smithmoor 8th Addition - south of Harry, east of Webb, as authorized by Resolution No. R-98-344 adopted August 4, 1998, and published August 7, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$20,164.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

v. (470-550/734723/448-89306) - Construction of Water Distribution System No. 448-89306 to serve Evergreen Addition - north of 21st, west of Maize, as authorized by Resolution No. R-98-383 adopted August 25, 1998, and published August 28, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$126,082.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

w. (470-551/734731/448-89307) - Construction of Water Distribution System No. 448-89307 to serve Evergreen Addition - north of 21st Street, west of Maize, as authorized by Resolution No. R-98-384 adopted August 25, 1998, published August 28, 1998; and rescinded by Resolution No. R-98-448 adopted September 29, 1998, and published October 2, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$108,870.00 is to be apportioned \$65,322.00 (60 percent) to the improvement district, and \$43,548.00 (40 percent) payable by utilizing Water Utility Improvement Funds. The cost has been assessed on a fractional basis.

x. (470-567/634897/448-89333) - Construction of Water Distribution System No. 448-89333 to serve Tallgrass East Commercial Addition - north of 21st, east of Webb, as authorized by Resolution No. R-98-495 adopted November 17, 1998, and published November 20, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$24,492.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

y. (470-562/734848/448-89334) - Construction of Water Distribution System No. 448-89334 to serve Balthrop Addition - north of Central, east of Greenwich, as authorized by Resolution No. R-98-541 adopted December 22, 1998, and published December 24, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$55,010.00 is to be apportioned 100 percent of the improvement district. The cost has been assessed on a fractional basis.

z. (470-563/734855/448-89336) - Construction of Water Distribution System No. 448-89336 to serve Rocky Creek and Rocky Creek Second Additions - north of 13th, east of 127th Street East, as authorized by

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Resolution No. R-98-521 adopted December 15, 1998, and published December 18, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$31,649.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

aa. (470-575/349 05/448-89357) Construction of Water Distribution System No. 448-89357 to serve Arbor Lakes Estates Addition - south of Harry, west of 159th Street East, as authorized by Resolution No. R-99-058 adopted February 9, 1999, and published February 12, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$41,663.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

bb. (470-574/734904/448-89362) - Construction of Water Distribution No. 448-89362 to serve Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler, as authorized by Resolution No. R-99-042 adopted January 26, 1999, published January 29, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$13,308.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

cc. (470-586/34916/448-89371) - Construction of Water Distribution System No. 448-89371 to serve Southwest Industrial Park Addition - along Edwards, south of May, as authorized by Resolution No. R-99-084 adopted March 2, 1999, and published March 5, 1999. Petition for this improvement was signed by owners representing 50 percent (three out of six owners) of the property ownership (85.2 percent of the improvement district). The Statement of Cost approved July 20, 1999, in the amount of \$17,800.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a front foot basis.

SEWER PROJECTS:

a. (480-469/743781/468-81946) - Construction of Lateral 17, Main 24, War Industries Sewer to serve Tallgrass East Commercial Addition - north of 21st Street North, east of Webb Road, as authorized by Resolution adopted February 14, 1989, and published February 17, 1989. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$37,539.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

b. (480-478/743790/468-82308) - Construction of Lateral 10, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition - north of 29th Street, west of Ridge, as authorized by Resolution No. R-93-147 adopted April 6, 1993, and published April 9, 1993. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$43,133.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

c. (480-462/743716/468-82370) - Construction of Lateral 66, Main 5, Sanitary Sewer No. 23 to serve Pembroke Second Addition - north of 25th Street, east of Oliver, as authorized by Resolution No. R-94-021 adopted January 11, 1994, and published January 14, 1994. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$137,941.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

d. (480-435/743443/468-82589) - Construction of Lateral 132, War Industries Sewer to serve Turtle Run Third Addition - south of Pawnee west of Webb, as authorized by Resolution No. R-96-125 adopted April 2, 1996, and published April 5, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$79,861.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

e. (480-463/743724/468-82592) - Construction of Lateral 70, Main 5, Sanitary Sewer No. 23 to serve Pembroke Addition - east of Oliver, south of 29th Street North, as authorized by Resolution No. R-96-151 adopted April 23, 1996, and published April 26, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$43,359.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

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- f. (480-459/743682/468-82625) - Construction of Lateral 370, Southwest Interceptor Sewer to serve Aberdeen Second Addition (North of 21st, East of 119th Street West, as authorized by Resolution No. R-96-401 adopted October 29, 1996, and published November 1, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$139,212.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- g. (480-451/743609/468-82800) - Construction of Lateral 391, Southwest Interceptor Sewer to serve Stonebriar Addition - west of Meridian, south of 47th Street South, as authorized by Resolution No. R-98-100 adopted April 7, 1998, and published April 10, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$65,467.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- h. (480-473/743785/468-82822) - Construction of Lateral 397, Southwest Interceptor Sewer to serve Prairie Woods Second Addition - north of Pawnee, west of Maize, as authorized by Resolution No. R-98-128 adopted April 14, 1998, published April 17, 1998; and rescinded by Resolution No. R-99-006 adopted January 5, 1999, and published January 8, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$82,708.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- i. (480-439/743784/468-82830) - Construction of Lateral 17, Cowskin Interceptor Sewer to serve Reece Farms Estates Addition - south of Maple, west of 151st Street West, as authorized by Resolution No. R-98-122 adopted April 14, 1998, published April 17, 1998; and rescinded by R-98-364 adopted August 18, 1998, and published August 21, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$314,380.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- j. (480-449/743583/468-82845) - Construction of Lateral 5, Main 18, Southwest Interceptor Sewer to serve Buckhead Third Addition - north of Central, west of 119th Street West, as authorized by Resolution No. R-98-252 adopted June 16, 1998, and published June 19, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$104,490.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- k. (480-445/743542/468-82847) - Lateral 96, Sanitary Sewer No. 23 to serve Harbor Isle Second Addition - east of Meridian, south of 53rd North, as authorized by Resolution No. R-98-197 adopted May 19, 1998, published May 22, 1998; and rescinded by Resolution No. R-99-298 adopted August 10, 1999, and published August 13, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$331,442.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- l. (480-450/743591/468-82852) - Lateral 51, Main 7, Sanitary Sewer No. 23 and a Fire Hydrant System to serve Comotara Industrial Park Second Addition - south of 34th Street North, west of Webb, as authorized by Resolution No. R-98-276 adopted July 7, 1998, published July 13, 1998; and rescinded by R-98-341 adopted August 4, 1998, and published August 7, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$29,552.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- m. (480-464/743732/468-82855) - Lateral 75, Main 22, War Industries Sewer to serve Wilson Farms and Wilson Retirement Additions - south of 21st Street, west of Webb, as authorized by Resolution No. R-98-256 adopted June 16, 1998, and published June 19, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$40,423.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- n. (480-458/743674/468-82891) - Lateral 135, Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition - north of 35th Street North, west of Arkansas, as authorized by Resolution No. R-96-368 adopted August 25, 1998, and published August 28, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$8,466.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

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o. (480-453/743625/468-82900) - Lateral 412, Southwest Interceptor Sewer to serve Evergreen Addition - north of 21st Street, west of Maize, as authorized by Resolution No. R-98-389 adopted August 25, 1998, published August 28, 1998, and corrected, re-registered, and re-published June 18, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$286,956.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

p. (480-465/743740/468-82915) - Lateral 58, Main 9, Sanitary Sewer No. 23 to serve Cornejo North Addition - east of Woodlawn, north of 29th Street North, as authorized by Resolution No. R-98-454 adopted September 29, 1998, and published October 2, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$20,537.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

q. (480-466/734757/468-82917) - Lateral 74, Main 17, Sanitary Sewer No. 22 to serve an Unplatted Tract in Sec. 31, TWS 26S, RNG 1E - north of 33rd Street North, east of Porter, as authorized by Resolution No. R-98-484 adopted November 10, 1998, and published November 13, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$7,866.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a square foot basis.

r. (480-474/743786/468-82951) - Lateral 162, Sanitary Sewer No. 22 to serve Woodlake Addition - south of Second, west of St. Paul, as authorized by Resolution No. R-99-023 adopted January 26, 1999, and published January 29, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$12,765.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

s. (480-475/743787/468-82958) - Lateral 423, Southwest Interceptor Sewer to serve Northridge Lakes Patio Homes Addition - north of 21st Street, east of Tyler, as authorized by Resolution No. R-99-043 adopted January 26, 1999, and published January 29, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$50,330.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

STORM WATER SEWER:

a. (485-162/751271/468-82948) - Storm Water Sewer No. 521 to serve Buckhead Third Addition - north of Central, west of 119th Street West, as authorized by Resolution No. R-98-010 adopted January 12, 1999, and published January 15, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved July 20, 1999, in the amount of \$178,903.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the public hearing be closed; the assessments be approved; and the Ordinances be placed on first reading. Motion carried 7 to 0.

WATER PROJECTS:

a. (470-502/734244/448-88126)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88126 to serve Lamplighter Mobile Home Park Addition - north of MacArthur, east of Hydraulic, introduced and under the rules laid over.

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b. (470-583/734913/448-88707)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88707 to serve Forest Lakes Addition - north of 29th Street North, west of Ridge Road, introduced and under the rules laid over.

c. (470-558/734806/448-88785)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-88785 to serve Pembroke Second Addition- north of 25th Street , east of Oliver, introduced and under the rules laid over.

d. (470-559/734814/448-89029)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89029 to serve Pembroke Second Addition - east of Oliver, south of 29th Street North, introduced and under the rules laid over.

e. (470-556/734780/448-89065)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89065 to serve Aberdeen Second Addition - north of 21st Street, east of 119th Street West, introduced and under the rules laid over.

f. (470-521/734434/448-89113)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Works System No. 448-89113 to serve Brentwood Village Addition - south of Harry, East of Webb, introduced and under the rules laid over.

g. (470-571/734901/448-89229)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89229 to serve Lark Sixth Addition - south of Kellogg, east of 119th Street West, introduced and under the rules laid over.

h. (470-548/734707/448-89231)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89231 to serve Stonebriar Addition - west of Meridian, south of 47th Street South, introduced and under the rules laid over.

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i. 470-532/734541/448-89234)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89234 to serve Auburn Hills Fifth Addition - north of Kellogg, east of 151st Street West, introduced and under the rules laid over.

j. (470-528/734509/448-89238)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89238 to serve Reece Farms Estates Addition - south of Maple, west of 151st Street West, introduced and under the rules laid over.

k. (470-523/734459/448-89251)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89251 to serve Junction Town Co. Addition - north of First Street, west of Seneca, introduced and under the rules laid over.

l. (470-525/734475/448-89254)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89254 to serve replats of Interurban Place Additions - south of 53rd Street, north to North of 55th Street North, East of Seneca, introduced and under the rules laid over.

m. (470-524/734467/448-89255)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89255 to serve Riverside Acres, J. B. Muller, Ark Valley Park, Suburban Acres, Jesse E. Edwards, Kopplin Additions and Unplatted Tracts - east of Arkansas Avenue, north of 37th Street North, introduced and under the rules laid over.

n. (470-572/734902/448-89257)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89257 to serve Prairie Woods Second Addition - north of Pawnee, west of Maize, introduced and under the rules laid over.

o. (470-541/734632/448-89269)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89269 to serve Arbor Lakes Estates Addition - south of Harry, west of 159th Street East, introduced and under the rules laid over.

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p. (470-537/734590/448-89270)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89270, to serve Tara Falls Addition - south of Harry, west of 127th East, introduced and under the rules laid over.

q. (470-547/734699/448-89279)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89278 to serve Buckhead Third Addition - north of Central, west of 119th Street West, introduced and under the rules laid over.

r. (470-540/734624/448-89281)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89281 to serve Clark Estates Addition - south of Central, east of 143rd Street east, introduced and under the rules laid over.

s. (470-538/734608/448-89289)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89289 to serve The Estates at Shadybrook Addition - south of Central, East of 143rd Street East, introduced and under the rules laid over.

t. (470-555/734772/448-89301)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89301 to serve Custer Addition - south of Pawnee, west of Meridian, introduced and under the rules laid over.

u. (470-570/734900/448-89302)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89302 to serve Smithmoor 8th Addition - south of Harry, east of Webb, introduced and under the rules laid over.

v. (470-550/734723/448-89306)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89306 to serve Evergreen Addition - north of 21st, west of Maize, introduced and under the rules laid over.

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w. (470-551/734731/448-89307)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89307 to serve Evergreen Addition - north of 21st Street, west of Maize, introduced and under the rules laid over.

x. (470-567/634897/448-89333)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89333 to serve Tallgrass East Commercial Addition - north of 21st, east of Webb, introduced and under the rules laid over.

y. (470-562/734848/448-89334)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89334 to serve Balthrop Addition - north of Central, east of Greenwich, introduced and under the rules laid over.

z. (470-563/734855/448-89336)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89336 to serve Rocky Creek and Rocky Creek Second Additions - north of 13th, east of 127th Street East, introduced and under the rules laid over.

aa. (470-575/349 05/448-89357)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89357 to serve Arbor Lakes Estates Addition - south of Harry, west of 159th Street East, introduced and under the rules laid over.

bb. (470-574/734904/448-89362)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution No. 448-89362 to serve Northridge Lake Patio Homes Addition - north of 21st Street, east of Tyler, introduced and under the rules laid over.

cc. (470-586/34916/448-89371)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89371 to serve Southwest Industrial Park Addition - along Edwards, south of May, introduced and under the rules laid over.

SEWER PROJECTS:

a. (480-469/743781/468-81946)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 17, Main 24, War Industries Sewer to serve Tallgrass East Commercial Addition - north of 21st Street North, east of Webb Road, introduced and under the rules laid over.

b. (480-478/743790/468-82308)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 10, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition - north of 29th Street, west of Ridge, introduced and under the rules laid over.

c. (480-462/743716/468-82370)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 66, Main 5, Sanitary Sewer No. 23 to serve Pembroke Second Addition - north of 25th Street, east of Oliver, introduced and under the rules laid over.

d. (480-435/743443/468-82589)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 132, War Industries Sewer to serve Turtle Run Third Addition - south of Pawnee west of Webb, introduced and under the rules laid over.

e. (480-463/743724/468-82592)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 70, Main 5, Sanitary Sewer No. 23 to serve Pembroke Addition - east of Oliver, south of 29th Street North, introduced and under the rules laid over.

f. (480-459/743682/468-82625)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 370, Southwest Interceptor Sewer to serve Aberdeen Second Addition (North of 21st, East of 119th Street West, introduced and under the rules laid over.

g. (480-451/743609/468-82800)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 391, Southwest Interceptor Sewer to serve Stonebriar Addition - west of Meridian, south of 47th Street South, introduced and under the rules laid over.

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h. (480-473/743785/468-82822)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 397, Southwest Interceptor Sewer to serve Prairie Woods Second Addition - north of Pawnee, west of Maize, introduced and under the rules laid over.

i. (480-439/743784/468-82830)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 17, Cowskin Interceptor Sewer to serve Reece Farms Estates Addition - south of Maple, west of 151st Street West, introduced and under the rules laid over.

j. (480-449/743583/468-82845)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 5, Main 18, Southwest Interceptor Sewer to serve Buckhead Third Addition - north of Central, west of 119th Street West, introduced and under the rules laid over.

k. (480-445/743542/468-82847)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 96, Sanitary Sewer No. 23 to serve Harbor Isle Second Addition - east of Meridian, south of 53rd North, introduced and under the rules laid over.

l. (480-450/743591/468-82852)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 51, Main 7, Sanitary Sewer No. 23 and a Fire Hydrant System to serve Comotara Industrial Park Second Addition - south of 34th Street North, west of Webb, introduced and under the rules laid over.

m. (480-464/743732/468-82855)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 75, Main 22, War Industries Sewer to serve Wilson Farms and Wilson Retirement Additions - south of 21st Street, west of Webb, introduced and under the rules laid over.

n. (480-458/743674/468-82891)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 135, Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition - north of 35th Street North, west of Arkansas, introduced and under the rules laid over.

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o. (480-453/743625/468-82900)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 412, Southwest Interceptor Sewer to serve Evergreen Addition - north of 21st Street, west of Maize, introduced and under the rules laid over.

p. (480-465/743740/468-82915)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 58, Main 9, Sanitary Sewer No. 23 to serve Cornejo North Addition - east of Woodlawn, north of 29th Street North, introduced and under the rules laid over.

q. (480-466/734757/468-82917)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 74, Main 17, Sanitary Sewer No. 22 to serve an Unplatted Tract in Sec. 31, TWS 26S, RNG 1E - north of 33rd Street North, east of Porter, introduced and under the rules laid over.

r. (480-474/743786/468-82951)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 162, Sanitary Sewer No. 22 to serve Woodlake Addition - south of Second, west of St. Paul, introduced and under the rules laid over.

s. (480-475/743787/468-82958)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Lateral 423, Southwest Interceptor Sewer to serve Northridge Lakes Patio Homes Addition - north of 21st Street, east of Tyler, introduced and under the rules laid over.

STORM WATER SEWER:

a. (485-162/751271/468-82948)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of Storm Water Sewer No. 521 to serve Buckhead Third Addition - north of Central, west of 119th Street West, introduced and under the rules laid over.

CITY COUNCIL AGENDA

ADDENDUM ITEM FLUORIDATION

PROCESS INVOLVING FLUORIDATION POLICY.

Mayor Knight

Mayor Knight said this issue would divide the City down the middle. The people who lose on the issue will leave residue that will block other things the could be done for the community. This situation does not have to be win/lose.

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Mayor Knight said he does not fluoridation on the City Council Agenda as it would be very costly for what the City Council wants to achieve. Fluoridation is for the teeth of children. Research has shown that it also can have detrimental effects on some persons.

Mayor Knight is asking that there be a change in approach and, if it is the best professional opinion of the Board of Health that fluoride is essential for the teeth of children, another way be found to provide fluoride without putting fluoride in the water. The organizations that feel fluoride is essential should step forward with the means to provide fluoride.

Council Member Cole Council Member Cole said that because her children had no cavities, and were raised where fluoride was in the water, she has a bias toward treating the water.

Council Member Cole requested information on the cost for those unable to afford fluoride treatment and to find a way to provide treatment.

Council Member Pisciotte Council Member Pisciotte stated that, if this issue is allowed to go before the City Council, the facility will be filled to capacity with people articulating position, not the interests of the community. The interests of the community are health and choice.

The City Council should not have to be a court of last resort.

The Mayor has suggested a better way to resolve the issue.

Council Member Rogers Council Member Rogers expressed concern with the options available through the use of fluoride. There is more than one way to provide fluoride.

Council Member Cole Council Member Cole spoke in favor of setting up a mechanism to help youth who will be in need and in favor of finding out the cost of dental care.

Motion -- Knight moved that communication be made to the Board of Health that if the Board sees benefit to fluoride treatment, the Board of Health give the City Council ideas on how that can be accomplished without fluoridation of the City's water supply. Motion carried 7 to 0.

-- carried

(Later in the meeting the Council returned to this Item; action is shown below.)

Motion -- carried Knight moved that the Council return to the fluoridation issue. Motion carried 7 to 0.

Council Member Pisciotte Council Member Pisciotte inquired as to the procedure to take the issue to a vote.

Mayor Knight Mayor Knight said everyone will not embrace a vote in either direction. A win/win situation is better. Both sides can be challenged. The real issue to be dealt with is children's teeth. This should not be a political issue.

APPOINTMENTS

BOARD APPOINTMENTS.

Motion -- Cole moved that Karol Schlicher be recommended for appointment to the Solid Waste Management Committee. Motion carried 7 to 0.

-- carried

PROCLAMATIONS.

PROCLAMATIONS.

There were no Proclamations considered.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 21, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 25, 1999.

Bids were opened October 22 1999, pursuant to advertisements published on:

1999 water main replacement program, Group 1; Broadway from Murdock to 11th Street; St. Francis from 13th Street to 17th Street; St. Francis at St. Francis Hospital; McCormick from St. Clair to Glenn. (448-89418/636089/779169) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (Districts IV and VI)

Nowak Construction - \$526,152.78

1999 sanitary sewer reconstruction program, Phase VI. (468-83038/ 620270/ 669395) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (Districts I, III, IV, V and VI)

WB Carter Construction - \$101,731.00

1999 sanitary sewer reconstruction program, Phase VII. (468-83039/620273 /669398) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/1999. (Districts IV, V, and VI)

WB Carter Construction - \$66,831.00

Paving 27th Street South from the east line of Custer to the west line of St. Paul to serve Wichita Builders Third and Builders Fourteenth Additions - south of Pawnee, west of Meridian. (472-83099/765591/490702) Traffic to be maintained during construction. City Council approval date: 6/8/1999. (District IV)

Cornejo & Sons Construction - \$56,283.75

Paving Chateau from the north line of Lot 1, Block 1, south to and including the cul-de-sac; Mt. Vernon from the west line of Lot 1, Block 1, to the east line of Lot 26, Block 3; Smithmoor from the south line of Mt. Vernon to the east line of Lot 18, Block 3, and; Leeanne Lane from the east line of Lot 18, Block 3, to the south line of Mt. Vernon to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (472-83107/765599/490710) Does not affect existing traffic. City Council approval date: 6/15/1999. (District II)

Cornejo & Sons Construction - \$190,114.25

Paving 43rd Street South from the west line of Lot 18, Block 8 to the west line of Meridian; 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian; Richmond from the north line of 44th Street South to the south line of 43rd Street South; Richmond Court from the west line of Richmond to and including the cul-de-sac; and sidewalk on the south side of 43rd Street South, from the west line of Lot 18, Block 8 to the west line of Meridian and on both sides of 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian to serve The Legacy Addition - west of Meridian, south of MacArthur. (472-83118/765592/490703) Does not affect existing traffic. City Council approval date: 6/22/1999. (District IV)

Asphalt Construction Company - \$238,927.50

Paving Cherry Hill Circle from the north line of Castle Pines Street to and including the cul-de-sac; Castle Pines Street from the east line of Cherry Hill Circle to the east line of Barton Creek Drive; Castle Pines Branch serving Lots 1 and 2, Block 5 and Lots 3 and 4, Block 4, from the east line of Reserve "B" to the west line of Castle Pines Street serving Lots 1 and 2, Block 4 and Lots 3 and 4, Block 3 from the east line of Reserve "B" to the west line of Castle Pines Street; and sidewalk on the south and west sides of Castle Pines Street from the east line of Cherry Hill Circle to the east line of Barton Creek Drive to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (472-83119/765598 /490709) Does not affect existing traffic. City Council approval date: 8/24/1999. (District II)

Cornejo & Sons Construction - \$253,601.90

Storm Water Drain No. 146 to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (468-82994/751279/485170) Does not affect existing traffic. City Council approval date: 6/15/1999. (District II)

Nowak Construction - \$31,131.00

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Lateral 2, Main 18, Southwest Interceptor Sewer to serve Hickory Creek Estates - south of 13th Street, west of 119th Street West. (468-82563 /743812/480500) Does not affect existing traffic. City Council approval date: 1/23/1996. (District V)

K C Excavating - \$90,646.00

Lateral 387, Southwest Interceptor Sewer to serve Northridge Lakes Addition - east of Tyler, south of 29th Street North. (468-82783/743811/480499) Does not affect existing traffic. City Council approval date: 12/9/1997. (District V)

Nowak Construction - \$53,633.00

Water distribution system to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (448-89387/734938/470608) Does not affect existing traffic. City Council approval date: 6/15/1999. (District II)

WBW Contractors - \$33,357.00 (Corrected)

Water distribution system to serve Hickory Creek Estates - south of 13th, west of 119th Street West. (448-88982/734942/470612) Does not affect existing traffic. City Council approval date: 1/23/1996. (District V)

WBW Contractors - \$43,188.00

Water distribution system to serve Northridge Lakes Addition - east of Tyler, south of 29th Street North. (448-89224/734943/470613) Does not affect existing traffic. City Council approval date: 12/9/1997. (District V)

Duling Construction - \$41,293.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Vibratory Compactor Roller and Tiltbed Trailer. (132225)

Paving Maintenance Supply, Inc. - \$49,954.00 (Total/Item 1)
Victor L. Phillips - \$12,528.00 (Total/Item 2)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Main Brooms and Gutter Brooms for Street Sweepers. (130849)

Old Dominion Brush Company - \$184.00 (Group I/per each)
United Rotary Brush Corporation - \$15.07 (Group II/per each)
Note: Groups III and IV Deleted

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Polymer for Use in Wastewater Solids Dewatering Facility. (183754)

Polydyne Inc. - \$11.5884* (Item 2/per net dry ton-discharged)
*.0666/lb

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY: Water Heaters. (127001)

Phoenix Supply Inc. - \$165.50* (Total Item 1/per each)
\$122.90* (Total Item 2/per each)
\$122.25* (Total Item 3/per each)
*2% - Tenth Net 30

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Amy Namphengsone	Royal Orchid Thai Cuisine	1845 South Rock Road #105
*Brian H. Cole	Pizza Hut #301073	1035 N. Broadway
*Brian H. Cole	Pizza Hut #301011	1016 W. Douglas
*Brian H. Cole	Pizza Hut #301046	333 E. 47th South
*Brian H. Cole	Pizza Hut #301065	2181 N. Rock Road
*Brian H. Cole	Pizza Hut #301008	1708 E. Pawnee
*Brian H. Cole	Pizza Hut #301007	550 N. West
*Brian H. Cole	Pizza Hut #301020	8977 W. Central

(Consumption off Premises)

Brent P. Lathrop	L and L Inc./dba Snacks	3733 North Arkansas
Sarah Bokhari	AR Incorporated	2700 N. Amidon
Gene Clasen	Checkers	245 E. 47th South

<u>New Establishment</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
*Mary Mena	El Salvador	627 E. 47th South
*/**Kimberly Le	Sao Dem Cafe	1933 N. Broadway

(Consumption off Premises)

John G. Wylie	HELLO Property Development Corp. dba HELLO CSS #122	550 N. Webb
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*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

**Located within 300 feet of church/school.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

a. Landscaping Greenwich Road from Kellogg to Central, Phase Two - Greenwich, north of Kellogg. (472-82738/706390/405194) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 4/1/1997. (District II)

b. 1999 Enhanced Maintenance Reconditioned Roadbed and Overlay of Asphalt Streets in Newly Annexed Areas (792267), Contract Maintenance Cold Recycle locations (131767), and Enhanced Maintenance Stabilization locations (706648-S) - at various locations - (792267/131767/706648-S/621326/ 435254/405218/533243) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (Districts II, III, V, and VI)

c. 1999 Enhanced Maintenance Concrete Repairs, Phase F (various locations) (/706648-F/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 10/13/1998. (Districts III and IV)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., November 5, 1999.

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SUBDIVISION PLANS AND SPECIFICATIONS:

a. Water distribution system to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize. (448-89420/734940/470610) Does not affect existing traffic. City Council approval date: 9/14/1999. (District V)

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., November 5, 1999.
-- carried

b. Wichita Railroad Removal and Demolition - Elizabeth to Broadway. (472-83101/706774/405235) Traffic to be maintained during construction using flagpersons and barricades on arterial streets, residential streets will experience some temporary closures. City Council approval date: 10/26/1999. (Districts I and IV)

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., November 19, 1999.
-- carried

PRELIMINARY EST.

PRELIMINARY ESTIMATE.

a. Murdock paving at Wichita Street and Storm Sewer, Phase II (Murdock at Wichita Street) (472-83473/706002/405154) Traffic to be maintained during construction except for a 2 week closure of Murdock at Wichita Street. City Council approval date: 2/4/97. (District VI) - \$161,744.08

Motion -- carried Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Art and Design Review Board, 7-30-99
Art and Design Review Board, 8-19-99
Board of Electrical Appeals, 9-14-99
Board of Health, 9-30-99
Civil Rights and Service Board, 9-20-99
Convention and Tourism Board, 9-2-99
Convention and Tourism Board, 9-28-99
CPO Northeast Council 1, 10-11-99
CPO Southwest Council 4, 10-14-99
CPO Northwest Council 5, 10-13-99
Metropolitan Area Planning Commission (MAPC), 7-29-99
Wichita Airport Authority, 9-7-99

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

FINANCIAL REPORT

MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 1999.

Motion -- carried Knight moved that the Report be received and filed. Motion carried 7 to 0.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED - SEPTEMBER 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Justin A. Jensen	\$9,999.99*
Becky Wolke	\$7,798.00*
Dan & Emily Davis	\$ 858.74
Joo Lee Yeo	\$8,600.00*

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Wayne Peterson	\$ 804.95
Michelle Coleman	\$ 494.45*
Tywana Harms	\$ 170.00

*Settled for lesser amounts than originally claimed.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

RESPREAD AGMT.

AGREEMENT TO RESPREAD ASSESSMENTS BAY COUNTRY ADDITION – SOUTH OF CENTRAL WEST OF 119TH STREET. (District V)

Agenda Report No. 99-1066.

The developers of Bay Country Addition have submitted an Agreement to respread special assessments from a portion of Bay Country Addition which has been replated to Bay Country Second Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

The cost to the City is approximately four to five hours of staff time to reapportion the specials previously spread.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR SMITHMOOR ADDITION - SOUTH OF HARRY, WEST OF GREENWICH. (District II)

Agenda Report No. 99-1067.

The City Council approved the Smithmoor Addition on June 15, 1999.

The proposed Agreement between the City and Municipal Engineer provides for the design of bond financed improvements in the Smithmoor Addition. Per Administrative Regulation 7a, staff recommends the selection of Municipal Engineer because Municipal Engineer provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$38,000, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

UTILITY ENCROACH.

UTILITY ENCROACHMENT PERMIT AGREEMENTS: RAINBOW LAKES WEST THIRD ADDITION - NORTH OF MAPLE, EAST OF 135TH STREET WEST. (District V)

Agenda Report No. 99-1068.

On February 9, 1999, the City Council approved paving and a water distribution system to serve Rainbow Lakes West Third Addition. A portion of the improvements will be across a Koch Pipeline Company easement.

Encroachment Permit Agreements have been prepared to allow the City to extend paving and water lines across the Koch easement.

There is no cost for the Encroachment Permit Agreements.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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CHENEY

BUREAU OF RECLAMATION MODIFICATION OF ASSISTANCE AGREEMENTS - CHENEY WATERSHED SAMPLING.

Agenda Report No. 99-1069.

Cheney Reservoir is a major water supply source for the City of Wichita currently providing approximately 60% of Wichita's annual water supply. On May 7, 1996, the City Council approved an agreement with the U.S. Geological Service (USGS) to begin water quality sampling in the watershed above Cheney Reservoir and began a cooperative program with the USGS and the BOR for a five-year program to perform water quality analysis at sites throughout Cheney watershed.

Objectives of the program are to develop a comprehensive baseline water quality database for nutrients, total suspended sediment, and herbicides throughout the watershed. Data will be used to determine chemical loading into and out of Cheney Reservoir, to identify chemical loading within the watershed, and to evaluate the effectiveness of improvements that are completed in the watershed.

The total cost of the project will be \$1,820,000. The Joint Funding agreement with USGS will provide 50% (\$910,000) of the cost and the Cooperative Agreement with the BOR will provide almost 50% (\$900,000) The City will be responsible for the remaining \$10,000, along with some analysis at the Water and Sewer Laboratory for an estimated cost of \$30,000.

The BOR has submitted two Modification of Assistance Agreements: one for \$196,500 and one for \$13,000 bringing their total funding during 1999 to \$394,500. These two modifications are needed in order for the City to retain BOR funding for the project.

Funding for the City's share of the expenses can be paid from CIP W-500, Cheney Water Quality Improvement, which has an annual authorization of \$200,000 for cost-sharing water quality improvement projects.

City Council approval is required for items with a cost of \$10,000 or more.

Motion --
-- carried

Knight moved that the Agreements/Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICE - 21ST STREET NORTH FROM HOOD TO BROADWAY. (District VI)

Agenda Report No. 99-1070.

On January 28, 1997, the City Council entered into an Agreement with Austin Miller, P.A. for the design of 21st Street North from Hood to Broadway.

The proposed Supplemental Agreement between the City and Austin Miller provides for engineering services to design intersection improvements at 21st Street and Arkansas.

There is no additional cost for the Supplemental Agreement.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AUBURN HILLS

SUPPLEMENTAL AGREEMENT FOR STAKING AND CONSTRUCTION ENGINEERING SERVICES FOR AUBURN HILLS, AUBURN HILLS COMMERCIAL, AND AUBURN HILLS COMMERCIAL SECOND ADDITIONS - ALONG 135TH STREET WEST, SOUTH OF MAPLE. (District V)

Agenda Report No. 99-1071.

The City Council approved the Auburn Hills Addition, Auburn Hills Commercial Addition and Auburn Hills Commercial 2nd Addition plat on May 17, 1994. On August 3, 1999, the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

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The proposed Supplemental Agreement between the City and Baughman provides for the staking and construction engineering services for the improvements in Auburn Hills Addition, Auburn Hills Commercial Addition and Auburn Hills Commercial 2nd Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering services for this project.

Payment will be on a lump sum basis of \$57,850, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HYATT WATERWALL CONTRACT FOR LEGAL SERVICES - HYATT WATERWALL.

Agenda Report No. 99-1072.

The City has been involved in a dispute with the designers and contractor on the Hyatt Waterwall project over operational and structural problems with a portion of the waterwall along the south side of the Hotel. In October 1998 the City entered into a contract with the firm of Hinkle, Eberhart & Elkouri, L.L.C. to represent the City's legal interests in this matter.

This dispute has involved significant investigation and research by outside counsel. In addition, it has been necessary for outside counsel to retain the services of an expert engineering witness to evaluate the problems with the Waterwall and to identify the appropriate repairs and/or modifications. It is anticipated that this legal work will continue over the next several months while the City attempts to resolve this matter through negotiation or litigation. The estimated fees and expenses to pursue this matter for that period of time is \$50,000. This will require an amendment to the existing contract.

These legal fees will be paid from 1999 general fund appropriated reserves.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CHDO PROJECT COMMUNITY HOUSING SERVICES/CHDO PROJECT CONTRACT.

Agenda Report No. 99-1073.

Community Housing Services (CHS), one of the City's Non-Profit Community Housing Development Organizations (CHDO) was allocated \$279,000 of HOME funds in the 1999-2000 Consolidated Plan funding process, as part of the City's required CHDO set-aside funding from the annual HOME grant. The funding was approved for the purchase and rehabilitation of homes, primarily in the Fairmount area.

Under the agreement, CHS plans to acquire and rehabilitate 10 single-family homes. The homes will be re-sold to home buyers eligible under the HOME regulations. The HOME funding provided for the project will be used to subsidize acquisition costs, as well as rehabilitation costs, and the applicable developer fee. The contract was negotiated to provide CHS with the flexibility to work in the Northeast and North Central Local Investment Areas.

The funding for this contract was part of the City's required CHDO set-aside (15%) of the 1998 HOME grant.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ANNEXATION SERVICE CONTRACT AMENDMENT - ANNEXATION SERVICE EXTENSION PLANS.

Agenda Report No. 99-1074.

In late 1997, the City solicited proposals for professional services to prepare the service extension plans required by State law when cities annex properties through the unilateral annexation method. Baughman Company, P.A. was the only firm that responded to the request for proposals and was awarded a professional services contract for \$50 per hour. The contract was amended in late 1998 for an additional \$30,000 in professional services for additional

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areas designated for annexation. Additional east and west areas within the City's growth plan are now eligible for annexation. It is proposed that service extension plans be developed for these areas.

The proposed contract amendment continues \$50 per hour charge, with an amount not to exceed \$10,000. The proposed contract amendment will fund four (4) additional service extension plans. These four service extension plans will provide for the unilateral annexation of the remaining areas which are currently eligible for annexation.

Sufficient funds are available in the City's contingency fund for the proposed contract amendment.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EATON PLACE

EATON PLACE PROJECT LENDER AGREEMENT.

Agenda Report No. 99-<<<

The City Council approved a Letter of Intent with MetroPlains Development LLC ("MetroPlains") on August 25, 1998, for the redevelopment of the Eaton block properties located on east Douglas Avenue in downtown Wichita. Since then, MetroPlains, City staff and other project participants have worked to finalize a diverse financing package. All elements of the financial package are now ready for implementation, except for the conventional mortgage loan financing intended to provide permanent financing for commercial retail portion of the Eaton Place Project. The original lender identified for this piece has declined to make the loan. As a consequence, the City has assisted MetroPlains to find a replacement lender, the Bank of America. In order to secure the financing, the Bank is asking the City to provide a cash flow liquidity facility as partial credit enhancement.

The Eaton Place Project consists of two primary components: 1) a 115-unit apartment complex financed with tax-exempt bonds, HOME and CDBG funds, and housing and historic tax credits; and 2) a commercial component consisting of streetfront retail shops, offices and a restaurant, financed with taxable industrial revenue bonds, historic tax credits and equity. A portion of the taxable IRBs will be permanently financed with a \$1.5 million conventional mortgage loan.

Under normal lending circumstances, banks require that a significant portion of a commercial retail property be pre-leased prior to giving a loan commitment. However, given the historic nature of the Eaton Place property and the small size of retail enterprises expected to lease space in the property, it is not possible to provide pre-leasing of space 18 months in advance of project completion. To substitute for pre-leasing, banks look for credit enhancements to ensure sufficient cash flow from leases to cover loan payments and operating costs. In this case, the Bank of America would like for the City to provide a limited guaranty to supplement that of MetroPlains and Key Construction.

The cash flow amount that is to be covered by the City's and MetroPlains' guaranty is \$330,000. One-half of that amount, \$165,000, would be covered by the Lender Support Agreement and the other half by an irrevocable bank letter of credit provided by MetroPlains. In addition, Key Construction, the general contractor, will provide credit enhancement to ensure completion of the construction work.

The Lender Support Agreement will have a maximum term of five years, same as the term of the loan. However, the City's cash flow guaranty amount will be reduced as the commercial property is leased, so long as MetroPlains' letter of credit remains in place. Once 66% of the property is leased, the City's guaranty will be fully eliminated. MetroPlains agrees to repay the City if any funds are advanced under the Lender Support Agreement, and any such advances will be subrogated to Bank of America's mortgage.

There are no financial obligations created by this agreement except in the event that lease revenues from the commercial portion of Eaton Place are not sufficient to meet both operating expenses and debt service. In any event, the City's maximum annual obligation, under the agreement, is limited to \$165,000, subject to annual appropriation as required by the Cash Basis Law. The funding source for any expenditures arising from this agreement will be the Self Insurance Fund.

The Lender Support Agreement has been drafted by the City's bond counsel with assistance by the Law Department. The agreement can be approved by ordinance citing the City's home rule authority. In order to meet the deadline for starting construction imposed by federal regulations, it is necessary to declare an emergency and adopt the ordinance on first reading.

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Motion --

Knight moved that the Declaration of Emergency be approved and the necessary signatures be authorized; the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 44-367

An Ordinance of the City of Wichita, Kansas, prescribing the form and authorizing the execution of a lender support agreement by and among MDI Limited Partnership #72, the City of Wichita, Kansas, and Bank of America N.A., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

INTERVENTION PGM. CONTRACT FOR WICHITA INTERVENTION PROGRAM FACILITY.

Agenda Report No. 99-1076.

The City Council had previously approved Boulevard Research Partnership Limited (Guild Plaza Hotel) to provide hotel services for the Wichita Intervention Program at the September 14, 1999 City Council meeting. The Boulevard Research Partnership Limited (Guild Plaza Hotel) is closing on October 29, 1999.

The proposals, which were received in July, were re-evaluated by a selection committee on the basis of pricing and ability to provide the current level of service.

WIP is a budgeted program and all expenses are offset by revenue to the General Fund based on fees from the participants.

Motion --

Knight moved that the Contract be redirected from Wichita Intervention Program (WIP) facility to Williamsburg Inn and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ST. MAINTENANCE CHANGE ORDER: 1999 CONTRACT STREET MAINTENANCE PROGRAM. (District I)

Agenda Report No. 99-1077.

On October 13, 1998, the City Council approved the 1999 Street Maintenance Program. A part of the work is a concrete street repair project at various locations around Wichita. It has been determined that the project should be expanded to include wheelchair ramps at the main Library.

The Change Order authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$13,604. The funding source is General Fund Reserves.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 21)

Mayor Knight

Mayor Knight declared a conflict of interest and abstained from participation.

Vice Mayor Rogers in the Chair.

OMNISPHERE OMNISPHERE REPAIRS AND MODIFICATIONS. (District I)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-1078

The building that currently houses the Omnisphere was originally opened 1915 as the City's public Library. Andrew Carnegie donated \$75,000 for the construction, and the City of Wichita matched the donation for a total construction budget of \$150,000. In 1967, the Carnegie Library was replaced by the new Library (across the

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street). The Carnegie building was then used as the Municipal Court building until 1975 when most City services moved to the new City Hall. The building was then renovated and placed in use as the Omnisphere and Science Center. The building was placed on the National Register of Historic Places in 1987.

The Omnisphere function will no longer be in the building with the opening of the new Exploration Place. The future use for the building is committed to the proposed Museum of Aviation History.

To protect/preserve this building, extensive work is needed to bring the building up to current standards. The electrical system is very old and becoming unsafe. The other systems in the building are dated and are experiencing added cost to maintain. The basement must be partially demolished to not only replace the under floor plumbing and electrical systems. To meet ADA standards, this building – because of multi-stories - have an elevator. Because of the historical designation, all work must be closely coordinated with the State Historical Preservation Committee. An architect is needed to work with City Staff to determine repairs required and assist with the design and construction work. It is anticipated that the necessary repairs and remodeling can be achieved in 2000-2001.

The 2000 and 2001 CIP (PB-350007 District 1) has a combined total of \$642,000 budgeted for the repairs and modifications. Of this, \$342,000 will be funded by General Obligation Bonds. Currently, \$300,000 of the \$642,000 is unfunded. A Historic Preservation Grant Application will be submitted to the State Historical Preservation Committee in an effort to obtain funding for a portion of the unfunded \$300,000. Upon approval of the project by Council, Staff will advertise for proposals from architects, and seek Council approval to award Contracts to get the design started promptly. Payments to the architect will be made after January 1, 2000.

Motion --
-- carried

Cole moved that the project be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight abstained)

Resolution No. R-99-413

A Resolution declaring it necessary to perform assorted building repairs and modifications to the Omnisphere and Science Center, located at 220 South Main in Wichita, Kansas, directing that a preliminary estimate of the cost thereof be prepared and declaring it to be the intention of the governing body to issue City of Wichita General Obligation Bonds in an amount not to exceed \$342,000 to pay all or a portion of the costs thereof, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Knight abstained) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

Mayor Knight in the Chair.

FLOOR SCRUBBERS

AUTOMATIC FLOOR SCRUBBERS - BUDGET ADJUSTMENT. (Districts I, II, III, and VI)

Agenda Report No. 99-1079.

A parking lot sweeper for Century II and an electronic control board for City Hall are budgeted in the 1999 Revised Budget. After a review of priorities, it has been determined that automatic floor scrubbers are to adequately care for various Recreation Centers, and that the purchase of the sweeper and control board should be postponed for a year. Some of the Recreation Centers have between 20,000 to 30,000 square feet of hard floor with only one custodian to care for them. Following large functions, one custodian cannot get the building cleaned with brooms and mops before the next function begins. Automatic floor scrubbers will dramatically improve the cleanliness.

A Budget Adjustment is needed to move \$20,000 from the Public Works Century II budget and \$4,000 from Public Works City Hall budget into the Public Works Park budget to provide for the purchase of four automatic floor scrubbers. Budget Adjustments greater than \$10,000 require Council approval.

Funds in the amount of \$20,000 for the Century II parking lot sweeper) and \$4,000 (for the purchase of the City Hall control board) are budgeted in the 1999 operating budget. A total of \$24,000 is needed for the purchase of four automatic floor scrubbers at Park Recreation Centers (Linwood, Edgemoor, Evergreen and Orchard).

Motion -- carried

Knight moved that the Budget be approved. Motion carried 7 to 0.

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PHONE SERVICE

LONG DISTANCE TELEPHONE SERVICE.

Agenda Report No. 99-1080.

The City did not renew the final year of the previous long distance contract in order to take advantage of dedicated long distance access, made possible by the City's new telephone system installed in February, 1999

Because the type of service required had changed, a Request for Proposal (RFP) for long distance service was prepared. The RFP was distributed to eleven firms; the City received eight responses.

In addition to price, the responses were evaluated based upon several factors, including the company's Y2K compliance, the reliability and redundancy of the respective companies' networks, and the ease of connecting to the City's system.

Qwest Communications, Inc. meets all operational criteria and offers the lowest overall rate among the responding carriers. The rates in the Qwest proposal are 29 percent lower than the average proposal, and 19 percent lower than the next-lowest proposal. Finally, Qwest is well recommended by current customers.

Long distance expenditures are expected to decrease.

Motion --
-- carried

Knight moved that the Contract with Qwest Communications, Inc. for long distance service for a period of one year with two annual options to renew be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EMERGENCY SHELTER EMERGENCY SHELTER FOR THE HOMELESS. (District VI)

Agenda Report No. 99-1081.

The City's 1999-2000 budget includes an appropriation for emergency allocations to assist homeless shelters in meeting shelter emergencies during cold weather conditions. The Homeless Services Coalition and the Inter-Faith Ministries have requested \$7,500 for partial funding of the 1998-1999 winter overflow shelter. The balance of the funds will come from the County and United Way.

The Winter Overflow Shelter has operated for several years during the coldest months of the winter to provide shelter to those in need of emergency overnight shelters. These individuals are usually persons who do not seek assistance from traditional shelters. This emergency shelter service will operate from December 1 through February 28 and will be housed for two-week periods at several downtown churches. The emergency shelter program will provide services from 6:00 p.m. until 6:45 a.m. Residents are given beds and are provided an evening meal, usually by the host or affiliated congregation.

The total budget for the Overflow Shelter program is \$22,500. The City, Sedgwick County, and United Way have each been requested to provide \$7,500. Additional in-kind resources, primarily facilities and food, will be provided by the participating churches. Funds have also been requested from United Way and Sedgwick County.

Motion – carried

Knight moved that the funding be approved. Motion carried 7 to 0.

COMP. GRANT PROGRAM

SUBMITTAL OF FFY 1997 AND 1998 COMPREHENSIVE GRANT PROGRAM ANNUAL STATEMENT OF THE PERFORMANCE AND EVALUATION REPORTS.

Agenda Report No. 99-1082.

Since 1992, the Department of Housing and Urban Development (HUD) has awarded Comprehensive Grant Program (CGP) funds to the City of Wichita, Department of Human Services to modernize and update units in the Housing Authority inventory. Because the Wichita Housing Authority (WHA) has more than 250 housing units, modernization funds are awarded each year on a formula basis. Eligible Housing Authorities share the national allocation which is determined by a calculation using various characteristics of the housing authority. The FFY 1997 Comprehensive Grant amount was \$985,292 and the FFY 1998 grant totaled \$1,042,140.

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The Comprehensive Grant regulations allow three years for all funds to be spent. At this time the CGP 1997 has been 100% obligated and 93% expended. It will be 100% expended before the 9/30/00 time frame. The FFY CGP 1998 grant is approximately 35% obligated. Both programs will be obligated and expended by the required time frame.

Over the past year the following items have either been completed or they are currently obligated to be completed within the next 12 months with Comprehensive Grant funds.

1. Rehabilitation of 14 single family units
2. Bath tub removal/replacement in 32 units
3. Sidewalk removal/replacement at Rosa Gragg 32-unit Garden complex
4. ADA 504 modifications to 4 units
5. Removal/Replacement of roof at McLean Manor elderly high-rise
6. Removal/Replacement of sidewalks at 62 single family residential units
7. Replacement of Park equipment Ash Park, Country Acres
8. Upgrade computer hardware and software

Motion --
-- carried

Knight moved that the Reports be approved and the Board of Housing Resolution be approved. Motion carried 7 to 0.

SEWER REPAIRS

PUBLIC EXIGENCY PROJECT - SANITARY SEWER REPAIRS. (District I)

Agenda Report No. 99-1084.

Staff was informed that a sanitary sewer was leaking into a storm water sewer located in Indianapolis Street at Topeka. The sanitary sewer is 110 years old and the point of leakage is difficult to determine. Further inspection shows that sewage is backing up in the manholes, which appears to be related to the way the pipe was laid long ago; therefore, the sewer will be reconstructed for the length of a block to ensure that leakage is eliminated and the system is functioning properly.

The sanitary sewer lies mostly under the curb and gutter of Indianapolis Street, which is a brick street. The cost for reconstructing the sewer in the same location would be expensive. For this reason, the sanitary sewer will be moved to the south parking of Indianapolis.

Staff met on site with several contractors and received four bids. W. B. Carter Construction submitted the lowest bid at \$33,731.00. The City Manager approved proceeding with the project on October 14, 1999.

Capital Improvement Program, Reconstruction of Sanitary Sewer (CIP #S-4) has a budget of \$2,300,000 for 1999. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," allows the City Manager to authorize work to be performed by a contractor without formal bidding.

Motion --
-- carried

Knight moved that approval of the City Manager's Public Exigency Project be affirmed. Motion carried 7 to 0.

ORDINANCES

SECOND READING PAVING ASSESSMENT ORDINANCES: (First read October 12, 1999)

- a. (490-611/765099/472-81844)

ORDINANCE NO. 44-345

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Brown Thrush - south of Second Street, west of Brunswick, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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b. (490-362/762591/472-81892)

ORDINANCE NO. 44-346

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of a left turn lane on 21st Street North from the west line of Lot 1 to the west line of Lot 5, Block 6 to serve Sterling Farms Addition - on 21st Street North, West of Tyler, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

c. 490-467/763649/472-82715)

ORDINANCE NO. 44-347

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of 19th Street from Santa Fe to Mosley - south of 21st Street, west of Washington., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

d. (490-633/765313/472-82752)

ORDINANCE NO. 44-348

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cardington, Ryan, Shefford, Cardington Courts, Central Park Court, and Central Park Circle - north of 21st, east of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

e. (490-550/764472/472-82807)

ORDINANCE NO. 44-349

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Doris Street from the north line of Lot 1, Block A, Eck Fourth Addition to the south line of 11th Street, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

f. (490-551/764480/472-82808)

ORDINANCE NO. 44-350

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Memory Lane from the east line of Doris Street to the north line of Compton, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

g (490-552/764498/472-82809)

ORDINANCE NO. 44-351

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Curtis Street from the north line of Lot 1, Steve Kelly Addition to the south line of 11th Street, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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h. (490-549/764-464/472-82810)

ORDINANCE NO. 44-352

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improvement of 11th Street from the west line of Doris Street to the west line of Curtis Street - south of 13th Street North, east of Hoover, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

i. (490-567/764654/472-82879)

ORDINANCE NO. 44-353

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Bayview Street, Sandkey Street, Sandkey Courts, Harborside Drive, and Bayview Court - west of Meridian, south of 53rd Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

j. (490-572/764704/472-82891)

ORDINANCE NO. 44-354

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Santa Fe from 19th Street North to 300 feet south of 19th Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

k. (490-582/764803/472-82913)

ORDINANCE NO. 44-355

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of pavement of the alley between Main and Market, from the 8th to 9th Street, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

l. (490-581/764795/472-82915)

ORDINANCE NO. 44-356

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Highland Springs, Highland Springs Courts, and sidewalk along both sides of Highland Springs - south of Central, west of 135th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

m. (490-632/765305/472-82941)

ORDINANCE NO. 44-357

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hoyt Circle, from the south line of Bluestem to and including cul-de-sac; and Fox Run Circle, from the south line of Bluestem to and including cul-de-sac - south of Harry, east of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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n. (490-614/765123/472-82946)

ORDINANCE NO. 44-358

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Hickory, Birch, Azure, Azure Circles and sidewalk - north of Central, west of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

o. (490-610/765081/472-82949)

ORDINANCE NO. 44-359

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Bristol Court from the west line of Bristol to and including the cul-de-sac - north of Central, east of Greenwich, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

p. (490-612/765107/472-82959)

ORDINANCE NO. 44-360

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of paving of Cooper and Elmwood Street - North of Pawnee, west of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

q. (490-639/765370/472-82984)

ORDINANCE NO. 44-361

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Graber Circle, Wildwood Circle, and 29th Street Circle, to serve Custer Addition - south of Pawnee, west of Meridian., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

r. (490-658/765547/472-82986)

ORDINANCE NO. 44-362

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Chateau from the south line of Smithmoor Third Addition to the south line of Smithmoor Eighth Addition - south of Harry, east of Webb, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

s. (490-641/765396/472-83015)

ORDINANCE NO. 44-363

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Cedar Downs Circle and Cedar Downs Court - south of Central, west of 119th Street West, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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t. (490-663/765552/472-83061)

ORDINANCE NO. 44-364

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of pavement on west 21st Street North and a Public Fire Hydrant at the Eastern Most Drive - south of 21st, west of Ridge, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

u. (490-608/765065/472-89252)

ORDINANCE NO. 44-365

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Monroe Circle from the west line of Tyler Road, west to and including the cul-de-sac - west of Tyler, north of Harry, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

v. (490-607/765057/472-89253)

ORDINANCE NO. 44-366

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving of Lakeway Court including cul-de-sac, and Lakeway Circle including cul-de-sac - north of 21st Street, west of Hoover, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(First read October 19, 1999):

a. Old Town Center, L.L.C. (District VI)

ORDINANCE NO. 44-344

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$485,000 Aggregate Principal Amount of Subordinated Taxable Industrial Revenue Bonds, Series XII, 1j999 (Old Town Center, L.L.C.) for the purpose of providing funds to complete the acquisition, purchase, renovation and equipping of an office building; prescribing the form and authorizing execution of a First Supplemental Trust Indenture by and between the City and Central Bank and Trust Company, Hutchinson, Kansas, as Trustee, with respect to the Bonds; prescribing the form and authorizing the execution of a First Supplemental Lease Agreement by and between the City and Old Town Center, L.L.C.; approving the form of a Guaranty Agreement; and approving the form of an individual Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City, Old Town Center, L.L.C., and Chapman securities, Inc., as Purchaser of the Series XII, 1999 Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

b. A 99-27 - east and west of Webb Road, between Central and 13th North. (District II)

ORDINANCE NO. 44-360

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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c. Pro Tem Judges Salary Ordinance.

ORDINANCE NO. 44-370

An Ordinance providing for a uniform schedule of standard pay ranges for all employees of the City of Wichita, repealing Ordinance No. 44-120, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PLANNING AGENDA

Z-3336 & DP-247

Z-3336 - ZONE CHANGE FROM "SF" SINGLE-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL; AND DP-247 - CREATION OF 127TH RETAIL CENTER COMMUNITY UNIT PLAN, LOCATED ON THE SOUTHWEST CORNER OF 127TH STREET EAST AND CENTRAL AVENUE.
(District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1084.

MAPC Recommendation: Approve, subject to platting within 1 year and conditions (13-0).
Staff Recommendation: Approve, subject to platting within 1 year and conditions.
CPO Recommendation: Approve (4-1-1).

The applicant is requesting the creation of a Community Unit Plan for the southwest corner of 127th Street East and E. Central Avenue, with the entire C.U.P. being zoned "LC" Limited Commercial. The majority of the site, 6.6 acres, is already zoned "LC". The remaining 1.1 acres represents the balance of the ownership on the western and southern edge of the tract.

The proposed C.U.P. has six parcels. Parcel 1 is 3.63 acres in size and is situated as the interior portion of the development with one major point of access onto Central and one major point onto 127th. The five remaining parcels abut Central or 127th and are all slightly less than one acre in size. Access is proposed via one point of joint access between Parcel 3 and Parcel 4 and one between Parcel 4 and Parcel 5, plus sharing of the major openings with Parcel 1 onto Central and 127th. The applicant states that cross-lot access circulation agreements shall be required at the time of platting to assure internal vehicular movement between parcels. These would be particularly important for guaranteeing left turn access for Parcel 4 across Parcel 3 and Parcel 5.

The applicant proposes each parcel permit all uses in the "LC" zoning district except for adult entertainment establishments, group homes, group residential, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor would be permitted as long as food was the primary service of the establishment. All uses that require conditional use permits in the "LC" districts would be permitted only by amending the C.U.P.

Each parcel would be limited to 30 percent maximum building coverage and 35 percent floor area ratio. All buildings would be limited to 35 feet in height. Setbacks are shown at 35 feet on all exterior property lines of the C.U.P. A masonry screening wall of six feet in height would be constructed along the western and southern property lines where the adjacent property is zoned for residential use. Landscaping would include a landscape buffer along the southern property line, and landscape street yards along Central, 127th Street East, and Garnett Avenue.

The applicant proposes that all buildings share uniform architectural character, color, texture and the same predominant exterior building materials, predominately earth-tone colors, and similar or consistent parking lot lighting elements.

The applicant proposes that all signs be in accordance with the Sign Code of the City of Wichita, and with the additional conditions that all freestanding signs along Central and 127th shall be monument-type signs with a maximum height of 20 feet, and the maximum square footage of sign face shall not exceed 80 percent of the C.U.P. frontage. All monument signs shall be spaced a minimum of 150 feet apart, irrespective of how the land is leased. The following signs would not be permitted in the C.U.P.: flashing (except time, temperature and other public

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service messages), rotating and moving signs; portable signs; off-site signs; window display signs with more than 25 percent of the window area; and signs on the rear of any buildings.

A suggested definition of a monument sign, until the Sign Code is amended, is that it be a detached sign where the width of the base of the sign is at least ½ of the width of the widest part of the sign face, or where the base consists of two or more supports where the sign face is not more than two feet above the average grade of the ground. The materials of the base shall be one of the following: masonry, wood, anodized metal, stone or concrete. A monument sign shall harmonize with the architecture of the structure or complex it serves and be constructed of materials consistent with the same.

The proposed C.U.P. is located in an area that is in the process of transition. Historically, the area was developed with a semi-rural character. The opening of K-96 with an interchange approximately one-fourth mile southeast of the site has provided an impetus for urban development along the East Central corridor. New development in the area includes a service station/car wash and the Elpyco Church of Christ to the north. To the east of K-96, there are several single-family subdivisions, and the Vyne, an assisted living facility. Proposed new development includes relocation of the Church of the Magdalen to the northwest, proposed office development and a residential-suites hotel to the west.

Existing uses on the proposed C.U.P. site includes an abandoned structure, most likely an abandoned house, and three or four additional residences. These structures would be removed before commercial development. The area to the south and southwest of the application area is occupied with residences zoned "SF-6" Single Family on lots averaging one to two acres in size.

At the CPO(2) meeting held September 27, 1999, CPO voted (4-1-1) to recommend the zone change and the C.U.P. be approved. Several citizens were present. The main concerns expressed were the type of development anticipated and whether the development will share in sewer costs associated with the Four-Mile Creek Sewer District. One member abstained, noting a professional conflict of interest.

At the MAPC meeting held September 30, 1999, MAPC voted (13-0) to approve the zone change and the C.U.P. with the recommended conditions, as revised. The applicant requested that the condition restricting access to Garnett be revised to allow one opening no farther than 300 feet south of Central, with the possibility of a second opening in the event the property to the west of Garnett is rezoned from "SF-6" Single Family. This change was included in the motion. Two neighbors were present to speak. Both spoke in support of the application, but expressed concerns to ensure the development bears its fair share of sewer hook-up costs.

Motion --

Pisciotta moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

CU-541

CU-541 - REQUEST FOR A CONDITIONAL USE TO ALLOW AN ACCESSORY APARTMENT AT THE REAR OF THE LOT, LOCATED NORTH OF ORME STREET AND WEST OF ESTELLE AVENUE (547 SOUTH ESTELLE). (District I)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1085.

MAPC Recommendation: Approve, subject to conditions (11-3).

Staff Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD staff comments (7-0).

The applicant is requesting a Conditional Use to allow an accessory apartment on residential property zoned "TF-3" Two-Family Residential. The property consists of two lots in the Dixon's Addition to Wichita, totaling 6,500 square feet. Currently there is a garage at the rear of the lot, which will be removed, this being the approximate location of the new accessory apartment.

Through a divorce agreement, the owner, Mr. Jones, is required to care and provide for his ex-wife, who currently lives in the existing home. The applicant wishes to move into the home and build an apartment for his ex-wife where the existing garage stands.

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The site is bordered on all sides by property that is zoned "TF-3" Two-Family Residential, but is used for single-family homes. Wichita's original zoning code did not contain a zoning district reserved exclusively for single-family residences, so many of the older residential area have "two-family" zoning, even though they were developed predominately with single-family homes. All the homes in the area are a mix of two- and one-story homes and appear to have been constructed at the same time, probably between 1918 and 1926.

The applicant has provided a site plan for the development of the accessory apartment. As stated earlier, the new apartment will be developed on the location that is currently occupied by a garage. The new structure will be 24 feet by 24 feet and situated 6 feet off the side property line and 8 feet off the rear property line.

As per the Unified Zoning code, the Conditional Use requirements for accessory apartments stipulate:

- (a) that a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood; and
- (c) that the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.

At the CPO(1) meeting held September 27, 1999, the CPO voted 7-0 to approve the request subject to conditions found in the staff report. The applicants, Shirley and Mansel Jones, stated that through a divorce agreement, Mr. Jones is required to care and provide for his ex-wife, who currently lives in the existing home. The applicants wish to move into the home and build an apartment for Mr. Jones' ex-wife where the existing garage stands. One citizen was there to speak, expressing concern that the valuation of her property might be negatively impacted.

At the MAPC hearing held September 30, 1999, Shirley Jones (co-applicant) discussed the request. Mrs. Jones stated that she was in agreement with the staff recommendation and conditions. There were two residents who spoke in opposition to this request. Their primary concerns were that they did not want rental property in their immediate neighborhood and they did not want the "harmony" of the neighborhood disturbed. After discussion, the MAPC voted to approve the request, subject to conditions stated in the staff report. Petitions protesting the proposed Conditional Use from owners who represent 21% of the property within 200 feet of the application area have been received.

After the MAPC hearing, the applicants submitted a letter addressed to the City Council regarding this Conditional Use application.

Council Member Rogers Council Member Rogers said this is within the zoning code and would not create a fundamental change in the neighborhood.

Motion -- Rogers moved that the Council concur with the findings of the MAPC and approve the Conditional Use to allow
-- carried an accessory apartment, subject to the recommended conditions. Motion carried 7 to 0.

RECESS The City Council recessed at 10:53 a.m. and reconvened at 11:07 a.m.

(The Council returned to take up Item No. 6; action is shown in agenda order.)

EXECUTIVE SESSION

Motion -- Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters
-- carried privileged in the attorney-client relationship relating to pending litigation, legal advice, and contract negotiations,
and the regular meeting be resumed at 11:30 a.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS The Council recessed at 11:10 a.m. and reconvened at 11:35 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:35 a.m.

Pat Burnett, CMC
City Clerk